IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

Crl.MC.No. 850 of 2007()

LP.5/1998 of PRINCIPAL ASSISTANT SESSIONS COURT, KOZHIKODE

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PETITIONER: ACCUSED

SHAMSUDHEEN K.C., S/O. MOIDEEN,
KOTTAKUNNEL HOUSE, MALAYAMMA P.O., KOZHIKODE.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT

STATE OF KERALA, THROUGH THE
SUB INSPECTOR OF POLICE, MUKKOM POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.850 of 2007

Dated this the 23rd day of March 2007

O R D E R

The petitioner faces indictment in a prosecution under Section 376 I.P.C. The crime was registered as early as in 1995. The petitioner was not available for trial. The case against him has been transferred to the list of long pending cases. The petitioners says that he is willing to and wants to surrender before the learned Sessions Judge. I do not understand what stands in the way of his doing so. He must appear before the learned Sessions Judge and explain to the learned Sessions Judge the reason for his non-appearance earlier. The learned Sessions Judge, in the light of the decision in Alice George vs.Deputy Superintendent of Police [2003(1)KLT 339] will consider the application for bail expeditiously and in accordance with law. I have no reason to assume that the learned Sessions Judge would not follow the decision in Alice George vs.Deputy Superintendent of Police [2003(1)KLT 339].

2. In the result, this Criminal Miscellaneous Case is dismissed but with the observation that if the petitioner

surrenders before the learned Sessions Judge and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Sessions Judge must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

// True Copy//

PA to Judge.

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006